

# Exhibit H



1805 Berks Road – Worcester, PA 19490

November 23, 2011

Parsons Brinckerhoff  
100 South Charles Street  
Baltimore, MD 21201  
Attention: Robby McDonald

AI Letter: COM0033  
AI Job 1020034

RE: Governor Printz Interceptor Project – Section 1  
Contract No. 2010-01, Project No. 220612  
Flush Mount Settlement Marker Settlement

Gentlemen:

This letter is in response to Mr. Husband's letter of 11/17/11, regarding the above referenced issue.

It is Allan A. Myers' (AAM) position that the level 2 threshold value of 0.5" in spec section 2140 D.7 does not apply to the flush mount settlement markers as installed. Therefore, AAM is not responsible under the contract to prepare and carry out a remediation plan and we consider this, extra work. Our position is based on the following:

1. The level 1 (0.375") and level 2 (0.5") threshold requirements in spec section 2140 D.7, refer to surface settlement markers only. At the 5/13/11 meeting, it was NCC that stated the surface settlement markers were actually for survey control, and not for measuring settlement of the gas mains. To date, AAM has installed the surface settlement (wedge anchors) per our approved submittal (TRN0121) 2140-09 for instrumentation and the threshold value of 0.5" has not been exceeded.
2. AAM disagrees that our approved instrumentation submittal TRN 0121 lists these alert thresholds for the flush mounted markers. The submittal clearly specifies the level 1 and level 2 alerts for the Surface Settlement Markers, not the flush mounted markers. Item 5 and Item 6 of the submittal only specify where and how the Surface Settlement Markers and Flush Mounted markers will be used on the Project.
3. Specification Section 2140, Section 1.01, E, Description of Instruments, states " Surface settlement markers are markers placed on Structures" AAM strongly disagrees with the County imposing the surface settlement marker alert thresholds onto the flush mounted markers which are not installed on structures, rather they are installed in the dirt.
4. At the 5/13/11 meeting, AAM suggested monitoring of the gas mains with pigtails but PB stated that this could possibly scratch the pipe coating. To date, AAM has monitored the pipe utilizing soft dig methods and the pipe has not moved. Also, AAM has installed approximately 1000 lf. of pipe alongside the gas mains and has not broken the gas mains.
5. It is clear and undisputable that the flush mounted settlement markers are not included in the original instrumentation specifications. Also, spec section 02140, 1.05, B "The Contractor is expected to make his own interpretations of the instrumentation data for his own purposes.

Furthermore, the Contractor must install, monitor, and interpret data from any additional instrumentation that the Contractor deems necessary to insure the safety and serviceability of the work." It is AAM's interpretation that the 0.875" movement of the flush mounted settlement marker is not grounds for a remediation plan.

With this said, AAM understands that in the event of a dispute with NCC, we are responsible to carry out the directive to develop a remediation plan for the level 2 threshold of 0.5". We have reviewed and refined our current trenching and backfill operation and determined that we cannot meet the level 2 threshold specified for the surface settlement markers. Currently, we are discussing and beginning to prepare a revised SOE submittal to PB for approval.

The options currently under consideration are as follows:

- Tight sheeting installed on the East side between the gas mains and the twin sewer trench along with our current trench box design or a modification of our approved design.
- Tight sheeting installed on both the East and West side in lieu of the current SOE.

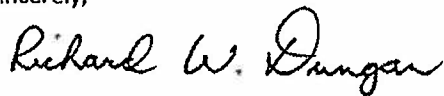
It should be noted that neither AAM nor our Design Engineer can provide any assurances that these revised means and methods will stay within the Level 2 threshold specified for the surface settlement markers.

Also, due to the fact that NCC and PB have noted their concern that the gas utilities might break after our contract was complete and that the utility companies would blame NCC due to our construction, has NCC considered replacing the gas mains after installation of the twin sewer mains? This might be less costly than tight sheeting or another method. We would like to discuss this in a meeting with the gas company.

In summary, the costs associated with changing our trenching and backfilling methods now, is astronomical and AAM considers this a change to our contract and will be seeking full compensation for the effects of this change. This letter places NCC on formal notice. Due to the magnitude of the cost, it is AAM's intent to contact NCC to initiate dispute resolution of this change.

If you should have any questions, please do not hesitate to call.

Sincerely,

A handwritten signature in black ink that reads "Richard W. Dungan". The signature is written in a cursive, flowing style.

Richard W. Dungan, P.E.  
Vice President/General Manager